

MEMO ENDORSED**THE BOSTANY LAW FIRM**

40 WALL STREET

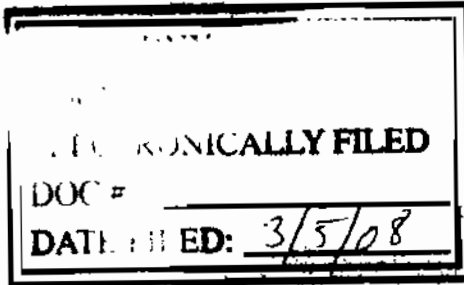
61ST FLOOR

NEW YORK, NEW YORK 10005-1304

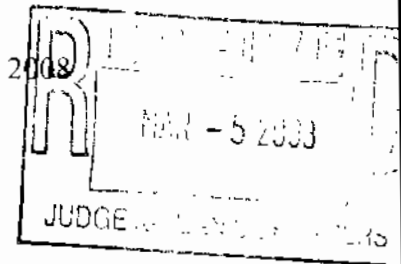
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NEW JERSEY OFFICE

ONE GATEWAY CENTER
NEWARK, NJ 07102

March 4, 2008



Hon. Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *GMA Accessories, Inc. v. ePartners, Inc.*
Docket No.: 07 CV 8414 (LAK)

Your Honor:

As you know from our telephone conference yesterday, Mr. Jeff Polishnick appeared for deposition at the offices of The Bostany Law firm yesterday, at 10:00 a.m. pursuant to a *Subpoena* served upon him on February 8, 2008. Copies of the *Subpoena* and the Affidavit of Service are attached for Your Honor's reference. Subsequently, counsel agreed to adjourn the deposition without the necessity of the hearing that Your Honor had scheduled.

Peter Brown, Esq., local counsel for Defendant, ePartners, appeared and quickly scolded the witness for not returning his calls. The witness advised Mr. Brown that he was not interested in having the Defendant's attorneys represent him, that he had taken a day off to be deposed, and that he was ready to proceed. Mr. Brown then slammed his book on the table and loudly threatened the witness that if he did not agree to his firm's representation, that the witness would not be able to proceed that day because Mr. Brown would call the Court and obtain a postponement. Mr. Polishnick maintained his refusal. At that point, Mr. Brown called Your Honor's Chambers and requested an adjournment based upon the inconvenience of the date for defense counsel.

When advised that the deposition was to be adjourned, Mr. Polishnick indicated that, due to his work and travel schedule, his only available date before mid-June would be on March 10, 2008 and that he was prepared to appear on that date. Subsequently, attempts were made to schedule the deposition for March 10, 2008, all of which were summarily rejected by Mr. Brown, who offered no reason why either he or someone from his firm could not appear on that date. Copies of our correspondence attempting to resolve this issue amicably are also attached.

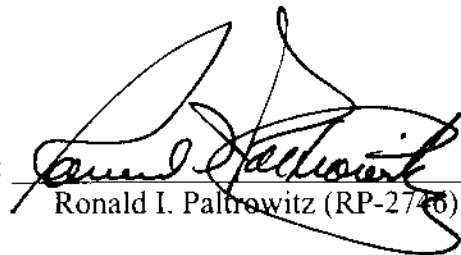
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In light of the foregoing, especially Mr. Polishnick's rejection of Defendant's counsel, and based upon our belief that a delay in this deposition for more than 90 days is unnecessary, dilatory and prejudicial to Plaintiff's discovery plan, it is respectfully requested that Your Honor order that the deposition of Mr. Polishnick proceed on March 10, 2008 at 10:00 a.m.

Respectfully,

The Bostany Law Firm
Attorneys for Plaintiff

By:


Ronald I. Paltrowitz (RP-2746)

cc: Peter Brown, Esq. (by e-mail)
Anthony Lowenberg, Esq. (by e-mail)

Attachments

Denied.
The parties shall
subpoena the
witness for e-mail
affordable (to the parties)
date no later than 4/19/08
unless the witness on
appears to appear on
after acceptance date
are who that penal
4/15/08
LEWIS A. KAPLAN, USA